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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 CLARENCE MCNAIR,
12 Plaintiff,
13 vs.
14 V. ATWOOD,
15 Defendant.

Case No. 3:17-cv-00298-MMD-VPC

**MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO PLAINTIFF'S MOTION
TO SUPPLEMENT**

16 Defendant Verne C. Atwood, by and through counsel, Adam Paul Laxalt, Attorney General of
17 the State of Nevada, and Erin L. Albright, Deputy Attorney General, hereby files his moves for an
18 enlargement of time to plaintiff's motion to supplement (ECF No. 13).

19 This motion is based on the following Memorandum of Points and Authorities.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. RELEVANT FACTUAL BACKGROUND**

22 On April 16, 2018, plaintiff filed a motion to supplement. (ECF No. 13).

23 Defense counsel is on vacation and will not return to the office until May 1, 2018.

24 **II. LEGAL AUTHORITY AND DISCUSSION**

25 Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

26 When an act may or must be done within a specified time, the court may,
27 for good cause, extend the time: (A) with or without motion or notice if
the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
28 party failed to act because of excusable neglect.

1 The proper procedure, when additional time for any purpose is needed, is to present a request
2 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
3 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
4 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
5 F.R.D. 268 (N.D. Ohio 1947).

6 The time to respond to answer or file a response to plaintiff's motion (ECF No. 13) has not
7 expired. Defendant asserts good cause exists to extend their time for their response to Plaintiff's
8 motion because defense counsel is on vacation and will not return to the office until May 1, 2018.
9 Therefore, Defendant requests this court enlarge the time for his response to the motion (ECF No. 13)
10 to May 18, 2018. This extension is not made for the purposes of delay or to prejudice Plaintiff.

III. CONCLUSION

12 Based on the foregoing, Defendant respectfully requests this Court grant his motion and enlarge
13 the time for his response to plaintiff's motion (ECF No. 13) to May 18, 2018.

14 DATED this 26th day of April, 2018.

ADAM PAUL LAXALT
Attorney General

By /

ERIN L. ALBRIGHT
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division

Attorneys for Defendant

IT IS SO ORDERED

U.S. MAGISTRATE JUDGE

DATED May 27, 2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 26th day of April, 2018, I caused a copy of the foregoing, **MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S MOTION TO SUPPLEMENT**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Clarence McNair, #1059617
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Paul Penny

An employee of the
Office of the Attorney General